

SEC. 2304. REPEAL OF THE CLASS ACT.

Title VIII of the Patient Protection and Affordable Care Act and the amendments made by that title are repealed.

SA 3641. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . SECRET BALLOT PROTECTION.

(a) **SHORT TITLE.**—This section may be cited as the “Secret Ballot Protection Act of 2010”.

(b) **FINDINGS.**—Congress makes the following findings:

(1) The right of employees under the National Labor Relations Act (29 U.S.C. 151 et seq.) to choose whether to be represented by a labor organization by way of secret ballot election conducted by the National Labor Relations Board is among the most important protections afforded under Federal labor law.

(2) The right of employees to choose by secret ballot is the only method that ensures a choice free of coercion, intimidation, irregularity, or illegality.

(3) The recognition of a labor organization by using a private agreement, rather than a secret ballot election overseen by the National Labor Relations Board, threatens the freedom of employees to choose whether to be represented by a labor organization, and severely limits the ability of the National Labor Relations Board to ensure the protection of workers.

(c) **NATIONAL LABOR RELATIONS ACT.**—

(1) **RECOGNITION OF REPRESENTATIVE.**—

(A) **IN GENERAL.**—Section 8(a)(2) of the National Labor Relations Act (29 U.S.C. 158(a)(2)) is amended by inserting before the colon the following: “or to recognize or bargain collectively with a labor organization that has not been selected by a majority of such employees in a secret ballot election conducted by the Board in accordance with section 9”.

(B) **APPLICATION.**—The amendment made by subparagraph (A) shall not apply to collective bargaining relationships in which a labor organization with majority support was lawfully recognized prior to the date of enactment of this Act.

(2) **ELECTION REQUIRED.**—

(A) **IN GENERAL.**—Section 8(b) of the National Labor Relations Act (29 U.S.C. 158(b)) is amended—

(i) in paragraph (6), by striking “and” at the end;

(ii) in paragraph (7), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(8) to cause or attempt to cause an employer to recognize or bargain collectively with a representative of a labor organization that has not been selected by a majority of such employees in a secret ballot election conducted by the Board in accordance with section 9.”.

(B) **APPLICATION.**—The amendment made by subparagraph (A) shall not apply to collective bargaining relationships that were recognized prior to the date of enactment of this Act.

(3) **SECRET BALLOT ELECTION.**—Section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)) is amended—

(A) by striking “Representatives” and inserting “(1) Representatives”;

(B) by inserting after “designated or selected” the following: “by a secret ballot

election conducted by the Board in accordance with this section”; and

(C) by adding at the end the following:

“(2) The secret ballot election requirement under paragraph (1) shall not apply to collective bargaining relationships that were recognized before the date of the enactment of the Health Care and Education Reconciliation Act of 2010.”.

(d) **REGULATIONS AND AUTHORITY.**—

(1) **REGULATIONS.**—Not later than 6 months after the date of enactment of this Act, the National Labor Relations Board shall review and revise all regulations promulgated prior to such date of enactment to implement the amendments made by this section.

(2) **AUTHORITY.**—Nothing in this section (or the amendments made by this section) shall be construed to limit or otherwise diminish the remedial authority of the National Labor Relations Board.

SA 3642. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, add the following:

SEC. ____ . ALLOWING INDIVIDUALS TO CHOOSE TO OPT OUT OF THE MEDICARE PART A BENEFIT.

Notwithstanding any other provision of law, in the case of an individual who elects to opt-out of benefits under part A of title XVIII of the Social Security Act, such individual shall not be required to—

(1) opt-out of benefits under title II of such Act as a condition for making such election; and

(2) repay any amount paid under such part A for items and services furnished prior to making such election.

SA 3643. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, insert the following:

SEC. ____ . ALLOWING INDIVIDUALS TO CHOOSE TO OPT OUT OF THE MEDICARE PART A BENEFIT.

Notwithstanding any other provision of law, in the case of an individual who elects to opt-out of benefits under part A of title XVIII of the Social Security Act, such individual shall not be required to—

(1) opt-out of benefits under title II of such Act as a condition for making such election; and

(2) repay any amount paid under such part A for items and services furnished prior to making such election.

SA 3644. Mr. HATCH (for himself, Mr. COBURN, and Mr. CRAPO) proposed an amendment to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

On page 99, between lines 9 and 10, insert the following:

(e) **EXCLUSION OF MEDICAL DEVICES SOLD UNDER THE TRICARE FOR LIFE PROGRAM OR VETERAN'S HEALTH CARE PROGRAMS.**—

(1) **IN GENERAL.**—For purposes of section 4191(b)(1) of the Internal Revenue Code of 1986, as added by subsection (a), the term “taxable medical device” shall not include any device which is sold to individuals covered under the TRICARE for Life program or the veteran's health care program under chapter 17 of title 38, United States Code, any portion of the cost of which is paid or reimbursed under either such program.

(2) **EXPANSION OF AFFORDABILITY EXCEPTION TO INDIVIDUAL MANDATE.**—Section 5000A(e)(1)(A) of the Internal Revenue Code of 1986, as added by section 1501(b) of the Patient Protection and Affordable Care Act and amended by section 10106 of such Act, is amended by striking “8 percent” and inserting “5 percent”.

(3) **APPLICATION OF PROVISION.**—The amendment made by paragraph (2) shall apply as if included in the Patient Protection and Affordable Care Act.

SA 3645. Mr. RISCH (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

At the end of subtitle E of title I, insert the following:

SECTION—REPEAL OF LIMITATION ON ITEMIZED DEDUCTIONS FOR MEDICAL EXPENSES.

(a) **IN GENERAL.**—Section 9013 of the Patient Protection and Affordable Care Act is hereby repealed effective as of the date of the enactment of such Act and any provisions of law amended by such section are amended to read as such provisions would read if such section had never been enacted.

(b) **EXPANSION OF AFFORDABILITY EXCEPTION TO INDIVIDUAL MANDATE.**—Section 5000A(e)(1)(A) of the Internal Revenue Code of 1986, as added by section 1501(b) of the Patient Protection and Affordable Care Act and amended by section 10106 of such Act, is amended by striking “8 percent” and inserting “5 percent”.

(c) **APPLICATION OF PROVISION.**—The amendment made by subsection (b) shall apply as if included in the Patient Protection and Affordable Care Act.

SA 3646. Mr. RISCH submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

At the end of subtitle C of title I, add the following:

SEC. 1207. REQUIREMENT FOR ALL MEDICAID AND CHIP APPLICANTS TO PRESENT AN IDENTIFICATION DOCUMENT.

(a) **IN GENERAL.**—Section 1902 of the Social Security Act (42 U.S.C. 1396a), as amended by section 211(a)(1)(A)(i) of Public Law 111-3, section 2303(a)(2) of the Patient Protection and Affordable Care Act, and section 1202 of this Act, is amended—

(1) in subsection (a)(46), —

(A) in subparagraph (A), by striking “and” after the semicolon;

(B) in subparagraph (B), by adding “and” after the semicolon; and

(C) by adding at the end the following:

“(C) provide that each applicant for medical assistance (or the parent or guardian of an applicant who has not attained age 18), regardless of whether the applicant is described in paragraph (2) of section 1903(x), shall present an identification document described in subsection (kk) when applying for